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PATENT

Atty. Docket No. CRP-137
(2054/106)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee Rueger et al.

Serial or Patent No.: 08/822,186

Filed or Issued: March 20, 1997

For: IMPROVED OSTEOGENIC DEVICES AND METHODS OF
USE THEREOF FOR REPAIR OF ENDOCHONDRAL BONE
AND OSTEOCHONDRAL DEFECTS

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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence, and any documents referred to as enclosed therein, is/are being deposited with the United States Postal Service as Express Mail, Mailing Label No. EM151231010US, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 14th day of May, 1997.

Melanie Smith

TRANSMITTAL OF VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL
ENTITY STATUS (37 CFR 1.9(F) AND 1.27(D)) - NONPROFIT ORGANIZATION

Applicants submit herewith a Verified Statement claiming Small Entity Status.

Date: 14 May 1997

Reg. No. 39,061
Tel. No.: (617) 248-7368

Respectfully submitted

Christine C. Vito, Ph.D.
Attorney for Applicants
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

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For: Improved Osteogenic Devices And Methods Of Use Thereof
For Repair of Endochondral Bone and Osteochondral
Defects

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below;
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Creative BioMolecules, Inc.

ADDRESS OF CONCERN: 45 South Street, Hopkinton, MA 01748

I hereby declare that the above identified small business qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled.

Improved Osteogenic Devices And Methods Of Use Thereof For Repair Of Endochondral
Bone And Osteochondral Defects

by inventor(s) David C. Rueger and Marjorie A. Tucker
described in

- ☐ the specification filed herewith.

Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27 (c)) - Small Business Concern

Page 2

☒ application serial no. 08/822,186 filed March 20, 1997.

☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

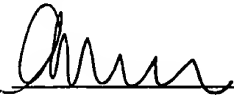
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Charles M. Cohen

TITLE OF PERSON OTHER THAN OWNER Chief Scientific Officer

ADDRESS OF PERSON SIGNING 45 South Street, Hopkinton, MA 01748

SIGNATURE



Date

5.12.97